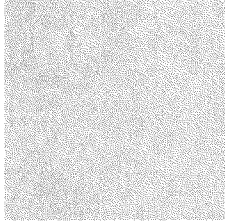


**To:** Way, Steven[way.steven@epa.gov]  
**From:** [BOYD COMPANY]Gregory Sparks  
**Sent:** Thur 10/15/2015 8:41:20 PM  
**Subject:** Upper Animas Presentation  
Key influencers presentation Oct 2015.pdf



Dear Steve,

I am sorry you were not able to attend the BOYD presentation on pollutant mitigation concepts for Cement Creek, the major contributor to water quality degradation in the upper Animas River. Attached is the entire presentation in PDF format. If for any reason, you would like to have it in Power Point format please let me know.

As was discussed last evening, the political challenges are significantly greater than the technical challenges with respect to cleaning up Cement Creek in perpetuity. EPA's natural inclination would of course be to place the area under superfund designation as that is how they typically handle these matters. Also as discussed, the clear consensus among most interested parties seemed to be a superfund designation would result in: 1) protracted delays in actually achieving the objective, 2) much greater total cost to accomplish, and 3) attaching an unfavorable stigma to the area, thereby negatively impacting the region's primary economy.

For all of the foregoing reasons, BOYD believes an alternative mechanism can and should be found. We are committed to further exploring alternatives to superfund designation which can be uniformly supported by all parties including EPA while expediently, cost-effectively, and permanently achieving the objective. While I believe "Good Samaritan" legislation is certainly a good thing, I do not think it is applicable in this instance, as the scope of this undertaking is likely well beyond the capabilities of good Samaritan groups, particularly absent settled law at this stage, even assuming the legislation is quickly passed. For this reason, it is my view that a project of this scope must be under the aegis of EPA in an oversight role, but outside of superfund designation for the reasons described.

This may require a one-off legislatively mandated directive to EPA along with special appropriation. If this is required, it seems that this is the time to get it done. As well, the

projected total project requirements to be appropriated are small enough to be relatively insignificant. It seems reasonable that the state(s) may be asked to provide some level of matching funds, and finally that Kinross, the only substantial company with a vested interest, could likely be induced to provide a substantial portion of the required funding if upon so doing, the company would be relieved of future liability.

In the alternative, perhaps there is a mechanism, a source of funds, and a willingness on the part of EPA to consider an ex-superfund handling of this situation. We will continue to explore the art-of-the-possible to get this matter resolved. Any guidance and support you can provide would be much appreciated.

Best regards,

**Gregory B. Sparks, P.Eng., Q.P.**  
**Managing Director - Metals**

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